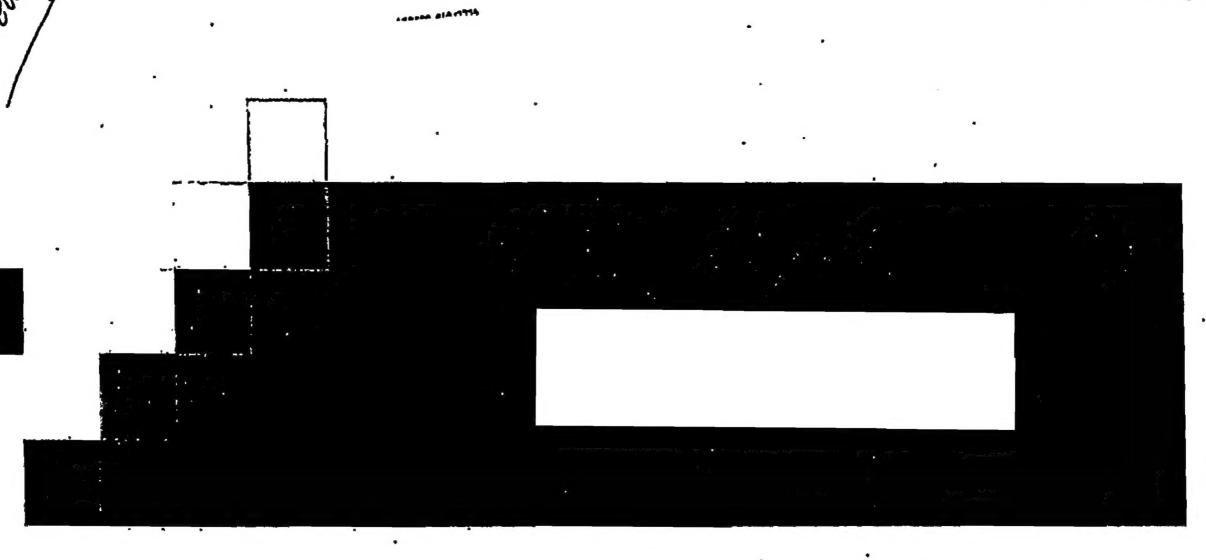
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DATE 09-19-2012 BY 65179 dmh/stp

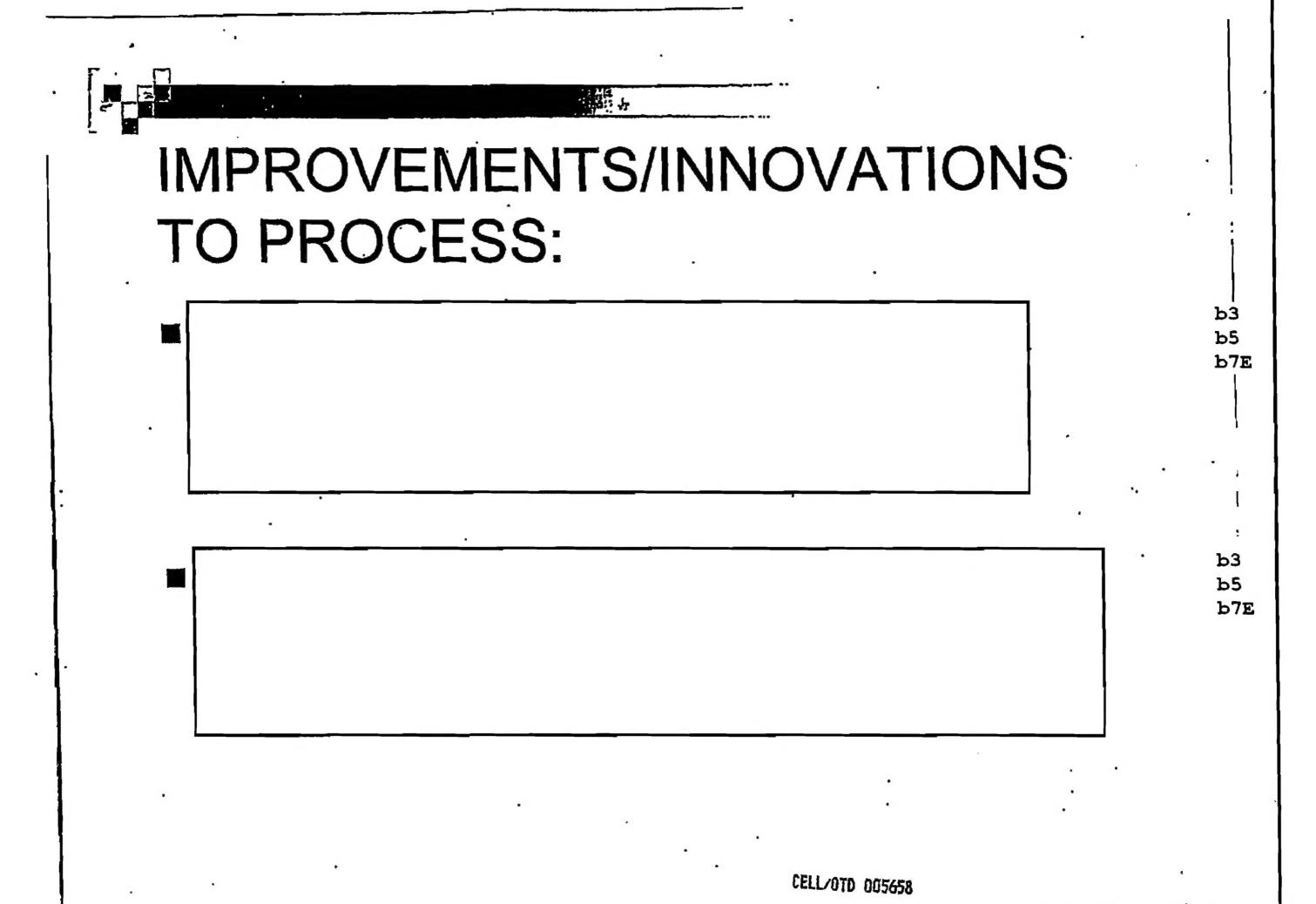
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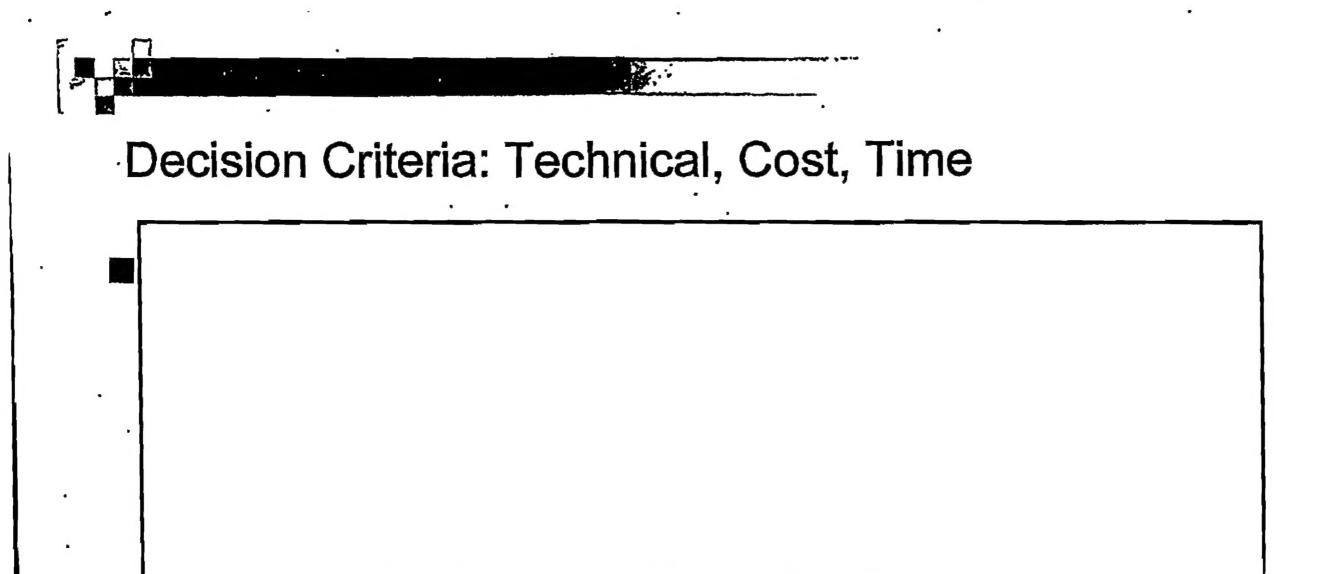


# Decision Based on Technical, Cost & Time Criteria



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### HERRIN IS UNCLASSIFIED DATE 09-19-2012 BY 65179 DMK/stp 16 August 2010 Federal Bureau of Investigations 935 Pennsylvania Ave. N.W. Room 6869 JEH FBI Building Washington DC 20535 Attention: Contracting Officer Proposal Dated 16 August 2010 Subject: Reference: Request for Proposal (RFP) dated 25 January 2010 · 1) Proposal (Volume 1- Technical and Volume 2 - Cost) Enclosure: Dear H/C is happy to provide its response to the Sponsors referenced (a) RFP for effort to be added under the referenced ontract. Our specific assumptions used in preparing this proposal are included in both the Technical and Cost volumes. The Consolidated Materials List (CML) for this effort currently is not finalized (non-auditable). Our staff is working to generate an fully auditable CML which we will provide during negotiations. As requested this proposal shall remain valid for a period of sixty (60) days. Harris reserves the right to revise, update, or extend the validity of this proposal should the proposed rates change prior to negotiations. Should you require further information please do not hesitate to contact the undersigned a b3 b5 b7C Very truly yours, b7E Manager, Contracts' Cc

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- 1. is generated by the network for network purposes regardless of a LE order.
- 2. is necessary to Provision of Service & a call cannot be processed without it.
- 3. exists in the network as a <u>RECORD or Other</u> <u>Information</u> prior to its being obtained by LE.
- 4. NON-Content data; not substance of a communication.
- 5. is delivered only at the beginning and end of calls per CALEA J-Std



Qualified Government Privilege in Non-disclosure based on <u>Roviaro v. United</u>

<u>States</u>, 353 U.S. 53 (1957): disclosure of identity (and testimony) of informant.

- Generally technique, type of device, location of install, etc. is protected
  - unless Defense can establish disclosure is necessary to defense,
     l.e., no other/adequate means to cross-examine/test evidence; if so:

	then Balancing of interests
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see also Jayme S. Walker "The qualified privilege to protect sensitive investigative techniques from disclosure," LEB Vol 69 NO.5 at 26 (May 2000).

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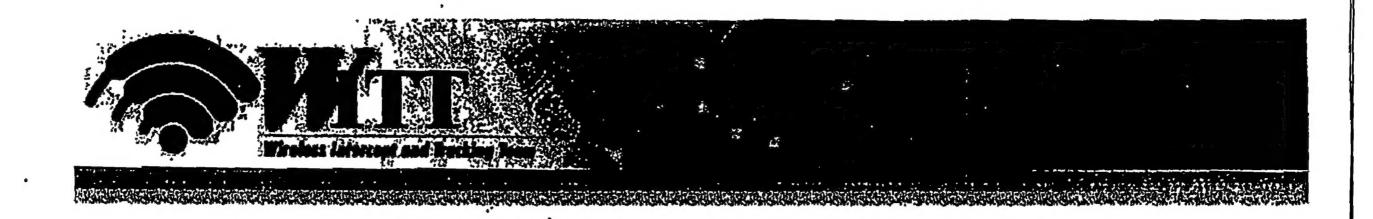


Compare, United States v. Van Florn, 789 F.2d 1492 (11th Gir.), cert. denied, 479 U.S. 854 (1986) (concealed microphone in office, defendant sought information about location of device claiming necessary to demonstrate that voices on tape could have been distorted by way mic was hidden and the distortion led to misidentification of the voice), recognized a qualified government privilege not to disclose sensitive investigative techniques.

With United States v. Foster, 986 F.2d 541, 543 (D.C. Cir. 1993) (defendant sought location of observation post: officer's observation of drug transaction was key evidence implicating defendant; surveillance not taped or photographed, so no alternative evidence for jury to examine to determine whether surveillance post provided clear view from which officer could make accurate identification of defendant).



- Defendant sought nature & details of pen register used to determine the geographical location of a cellular phone
- Court found the information protected by qualified investigative techniques privilege & national security privilege
- Balanced government's interest in maintaining privilege with Defendant's need for the information
- Defendant had the <u>Product of the Surveillance</u>: the cellphone used in making threatening calls was found in defendant's house during search of residence;
  - Defendant did not need to know how the technology traced the geographic location of the phone.
  - locating the phone in the residence confirmed the accuracy of the geographic surveillance;
  - Moreover, Defendant could challenge the technology used to establish that phone found in residence was the one that actually made the criminal calls.



# Contact Info:

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Assistant General Counsel,
Science & Technology Law Unit,
Office of the General Counsel
•DOJ (CCIPS): www.cybercrime.gov

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DATE 10-11-2012 BY 65179/dmh/stp/as

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## **FBI**

# Portable Electronic Device Security Management Plan

(SMP) for Legacy

From

Investigative Technology Division

Wireless Intercept and Tracking Team (WITT)

09/7/2004

Federal Bureau of Investigation 935 Pennsylvania Avenue, NW Room 9364 Washington, DC 20530

Prenared By:

WITT Program Manager

WITT Chief Technician

Engineering Research Facility, Building

Quantico, Virginia 22:55

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### 1 INTRODUCTION

This document serves as the instrument for the Mobile Computing Security Program to identify requirements and assess risk, with the objective of providing an approval-to-operate. The information required for this assessment includes, but is not limited to, a complete scope of need, justification, concept of operations, technical specifications, configuration management and residual risk relative to the device being placed into service. Once completed, and if residual risk is deemed acceptable, an official EC will be generated granting a Security Management Plan (SMP) for those device(s) described within, in the manner set forth in the concept of operations. Attachments 1 and 2 are "living" documents. That is they are updated each time there is a change in the configuration, or when new devices are fielded under this SMP. Attachment 1 is the Configuration Management control document that lists the specific applications in use under this SMP. Attachment 2 is a complete listing of all devices fielded under this SMP.

### 2 MISSION BACKGROUND

The V	WITT provides	
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3	JUSTIFICATION FOR REQUEST	
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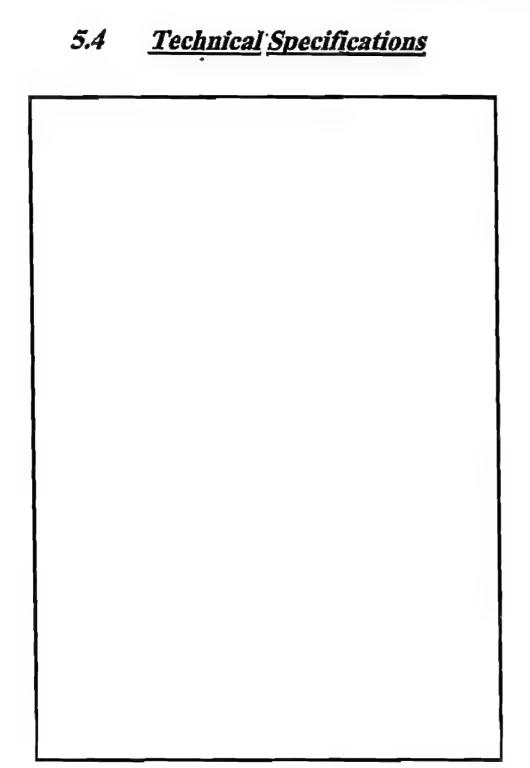
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8 POINTS OF CONTACT		
The ISSM has approval authority for the system security. Significant changes in conthe ISSO for approval.	and is responsible for the life cycle diguration or usage will be submitted to the ISSM by	ъ6 ъ7с
Information Systems Security Manager	•	67 <b>E</b>
The ISSO is responsible for day-to-day over engineering, development, configuration may requirements are met. The ISSO also main contained within this OP plan and to report o Loss o Changes in configuration or usage o Incremental/decremental changes to	anagement and ensuring that the program security stains an up-to-date inventory of all any:  the baseline to the PSO and ISSM.	ь6 ь7с
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Note: In the event that an ISSM is not assigned security officer.	med, ISSM duties are the responsibility of the	
9 CONFIGURATION MANAGE	GEMENT	
changes made to a system's hardware, software, system/device life cycle, configuration man	t controls and manages changes (i.e., new juration, etc.) to a device or system. By controlling ware, firmware, and/or documentation, throughout the nagement is a mandatory, integral part of this overall ISSO are responsible for managing this process.	
9.1 Incremental Changes		
such as the revision number of an application	e vetted and approved by the ISSM. Minor changes on do not require ISSM approval but are to be tracked on periodically provided to the ISSM in the rated in Attachment 1.	
9.2 Security Architecture and Usage	<u>Changes</u>	
Any changes affecting the security architecture are used or the type of data stor Management Plan (SMP).	cture including the manner in which the red on them may require a renegotiated Security	b7E
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### 10 · RULES OF BEHAVIOR

The PEDs known as covered under this SMP are granted deviations from the standard security settings based on operational need. These deviations have corresponding expected rules of behavior with respect to how they are used, stored, and maintained. These include:	b3 b71
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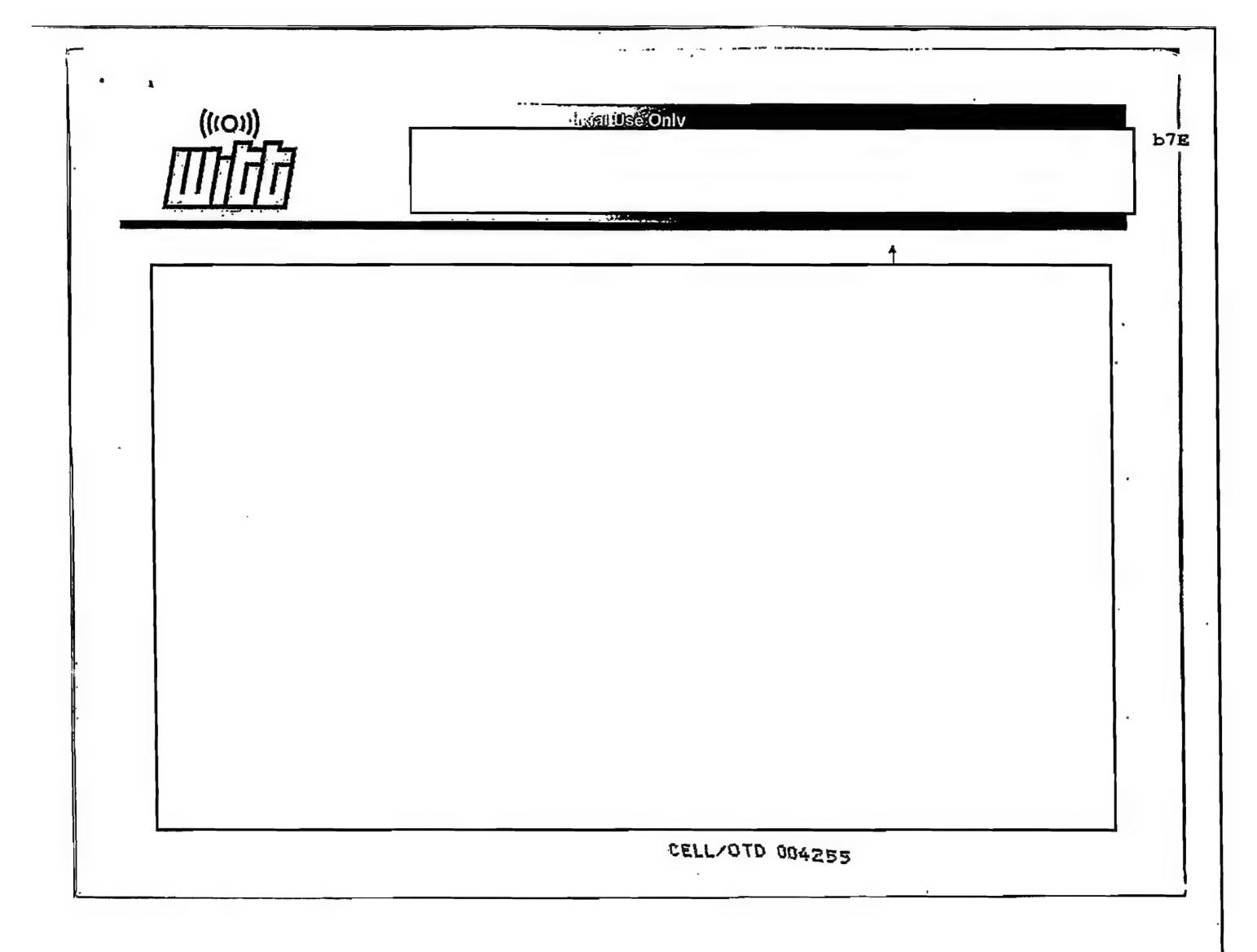


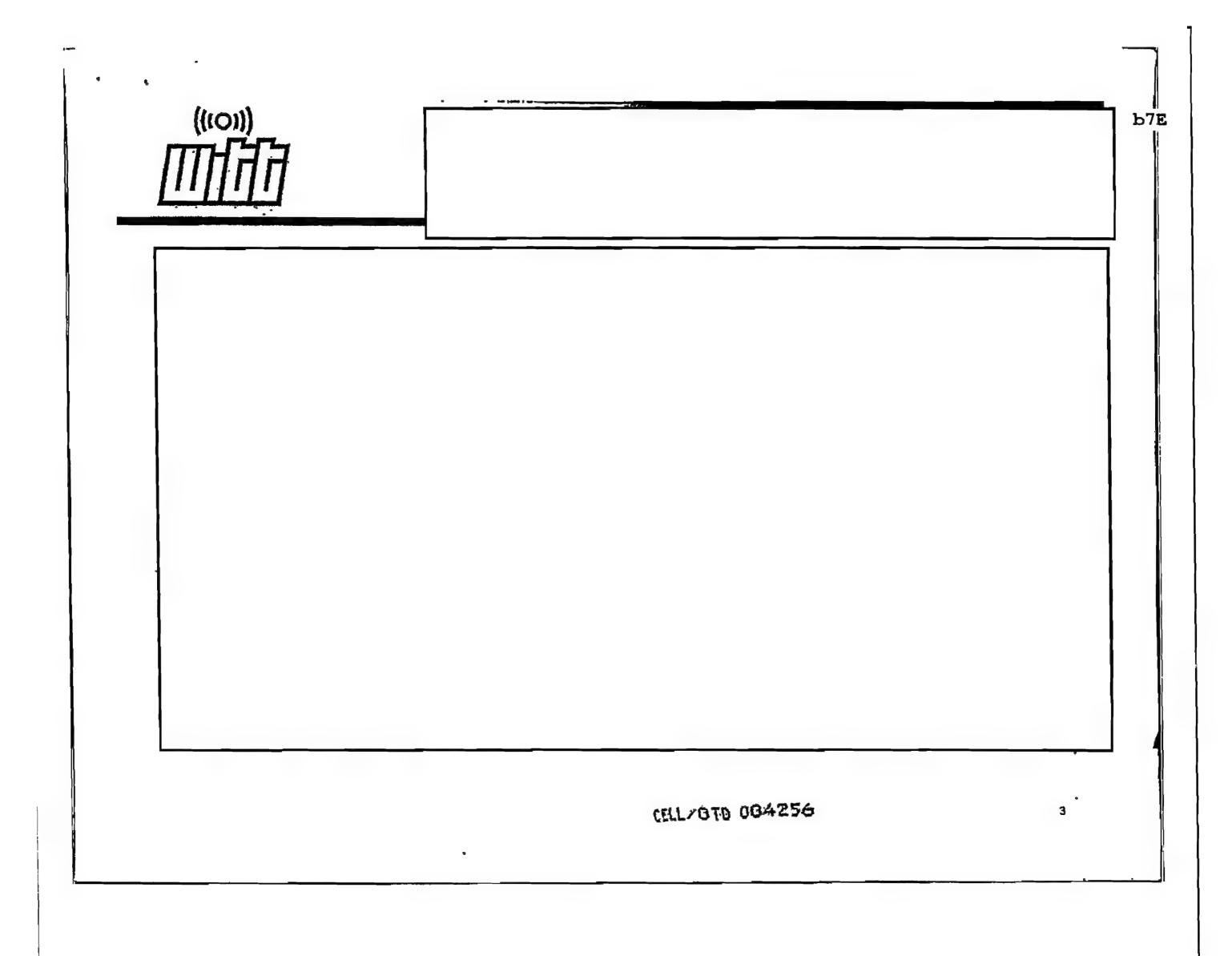
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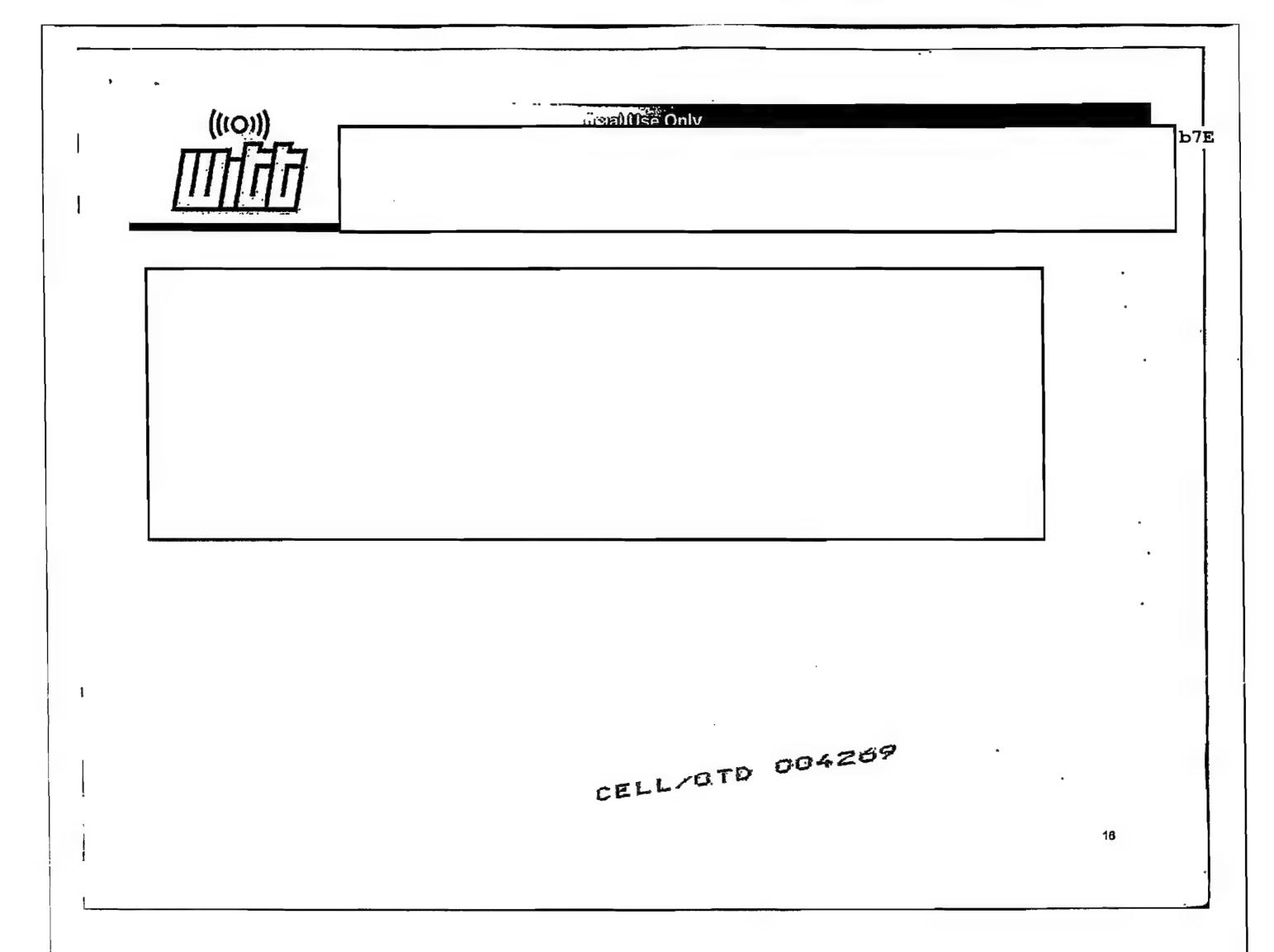
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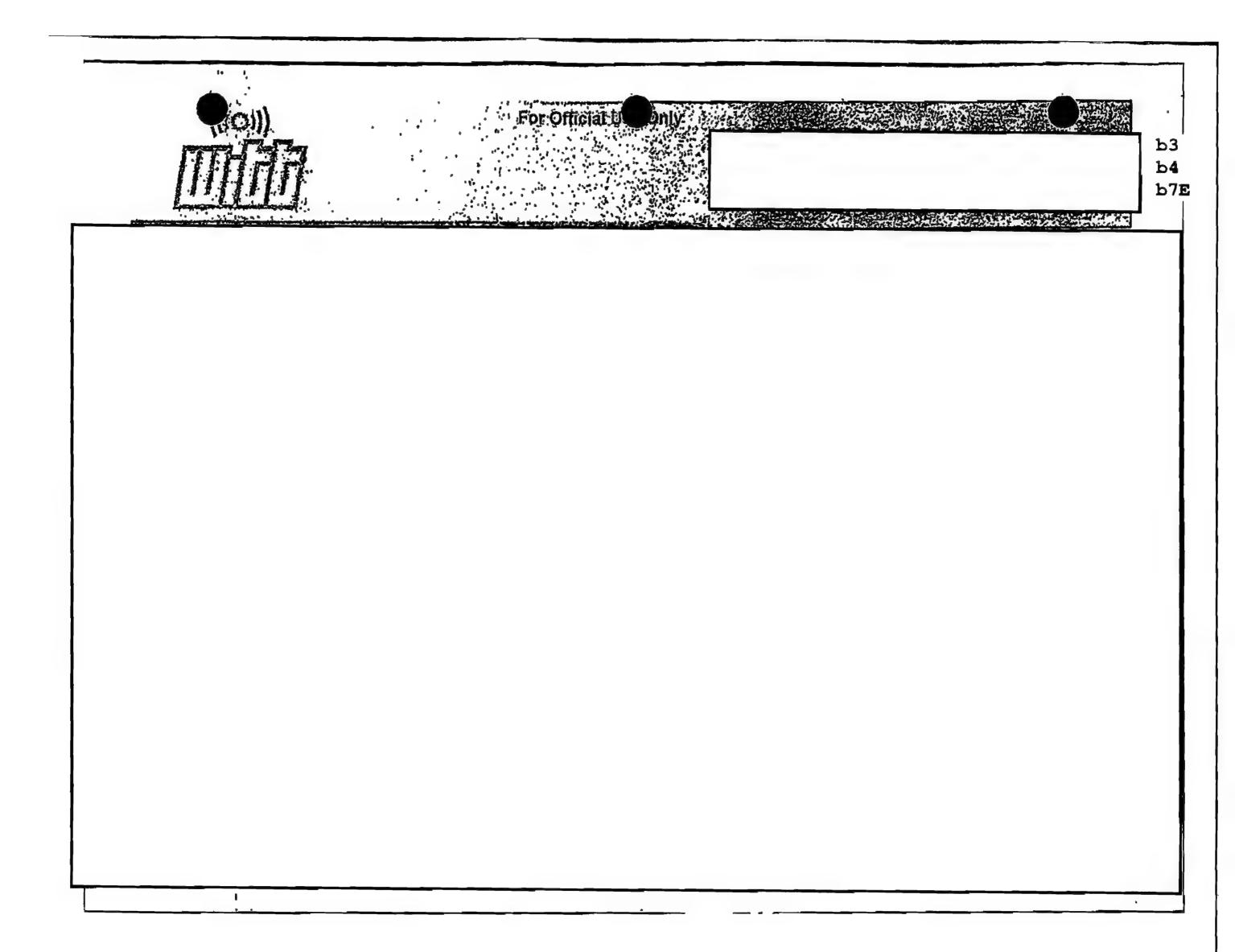


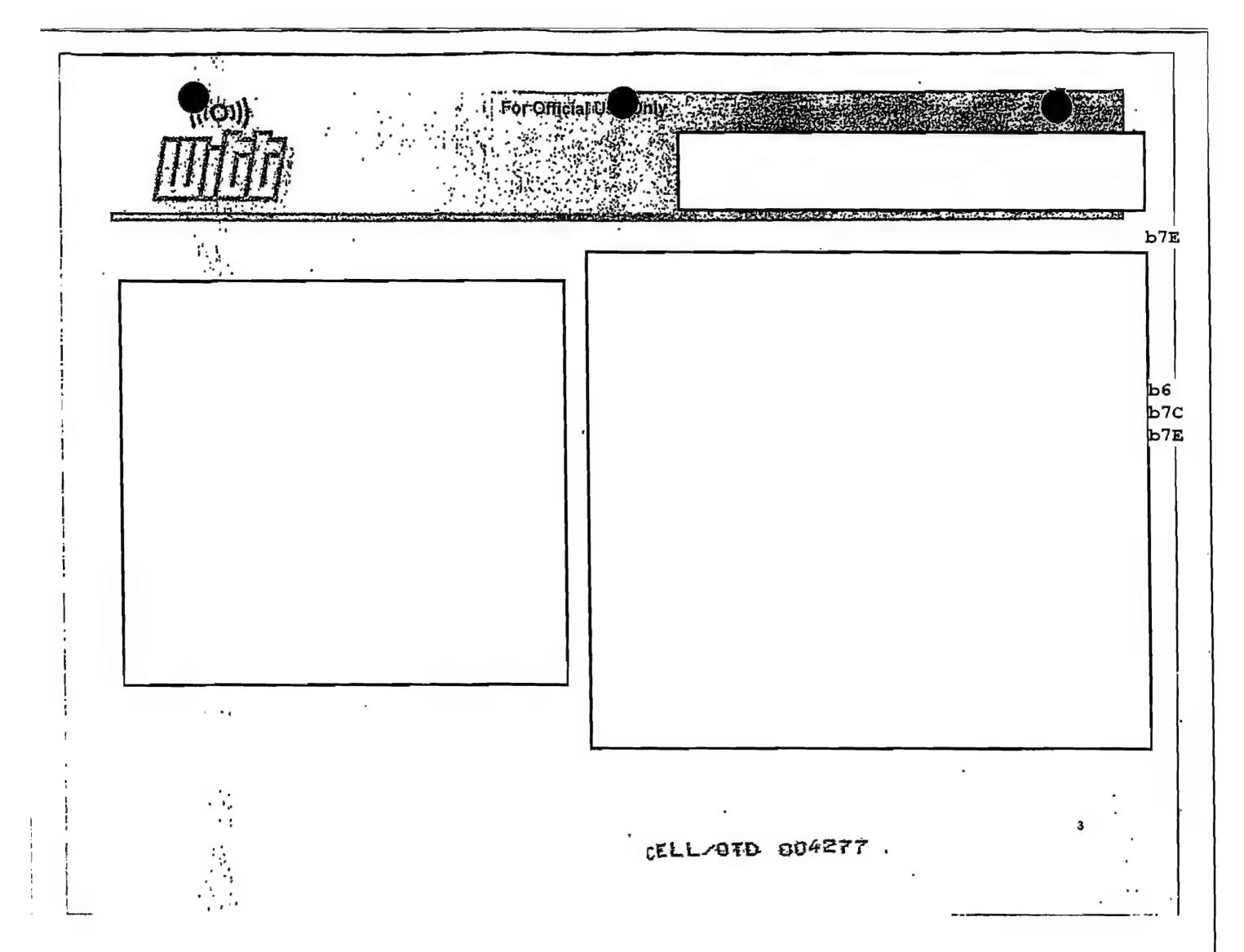
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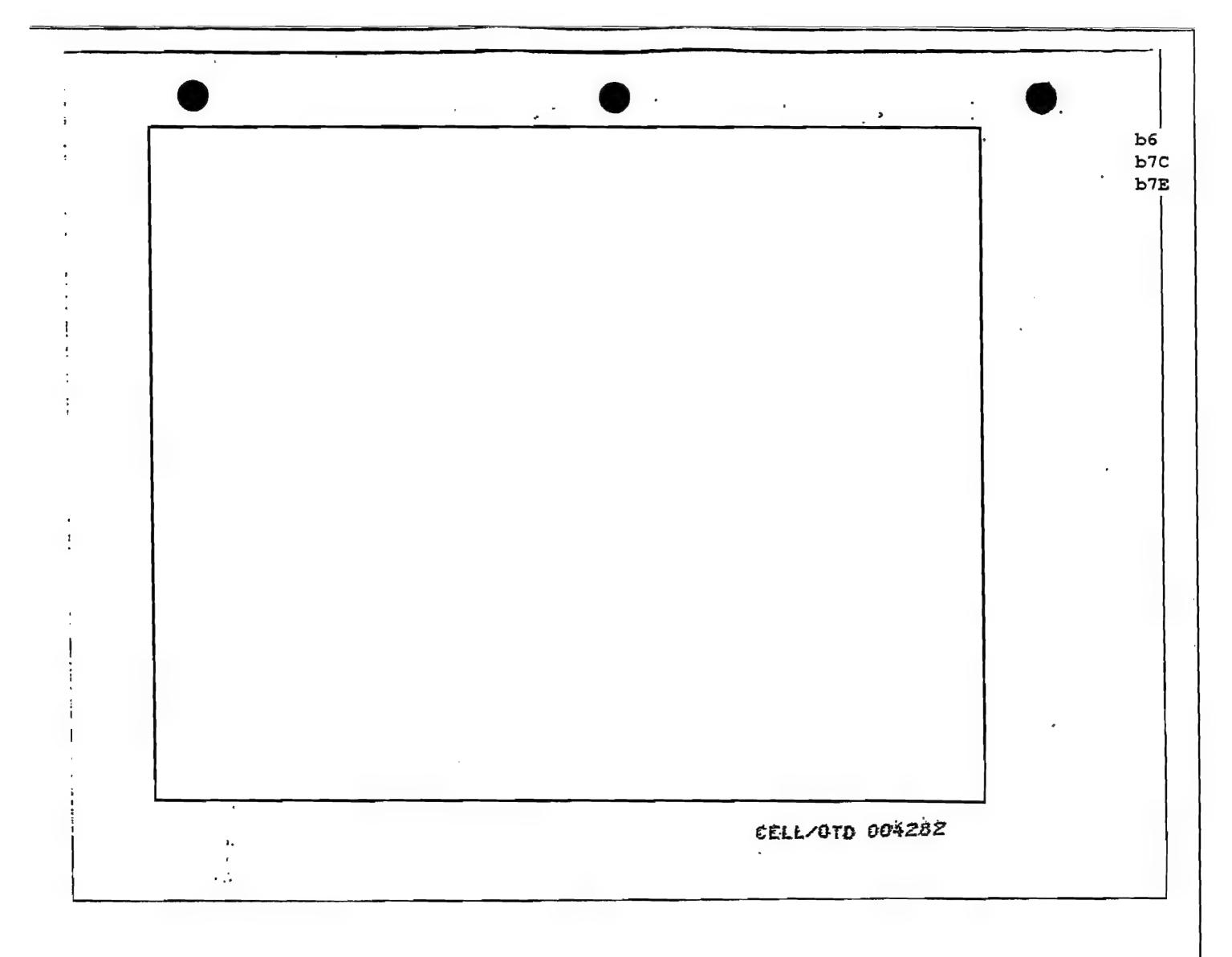
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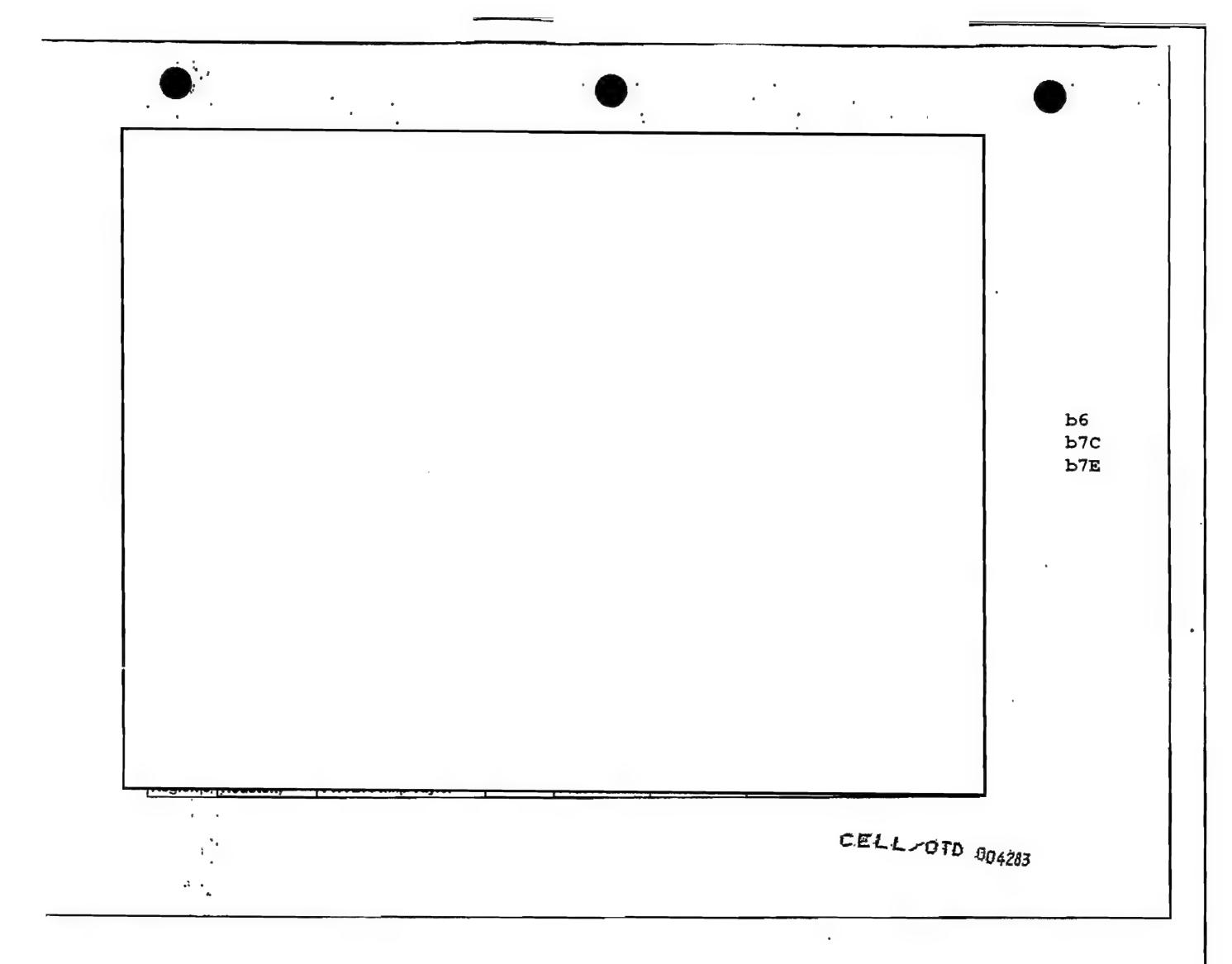
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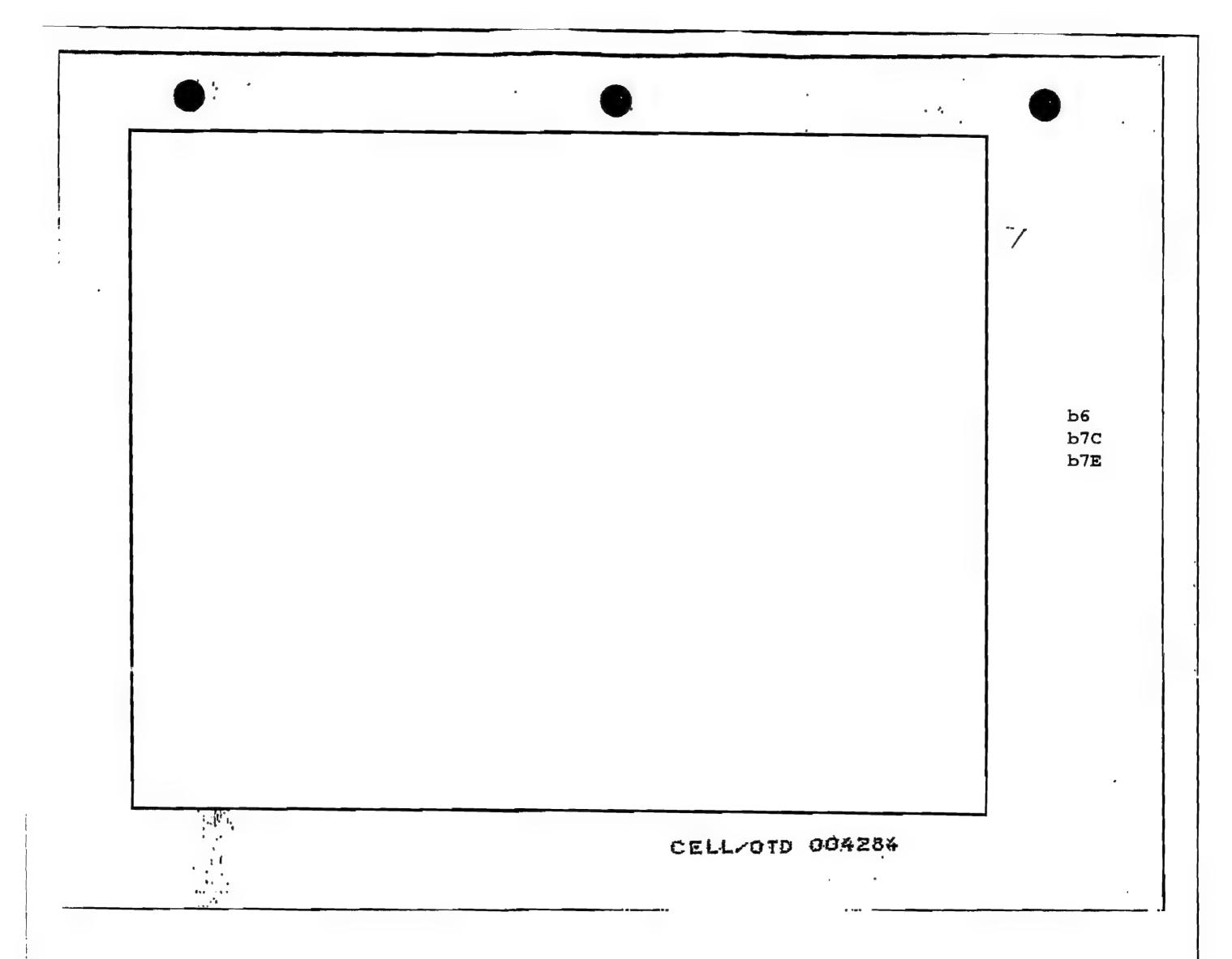
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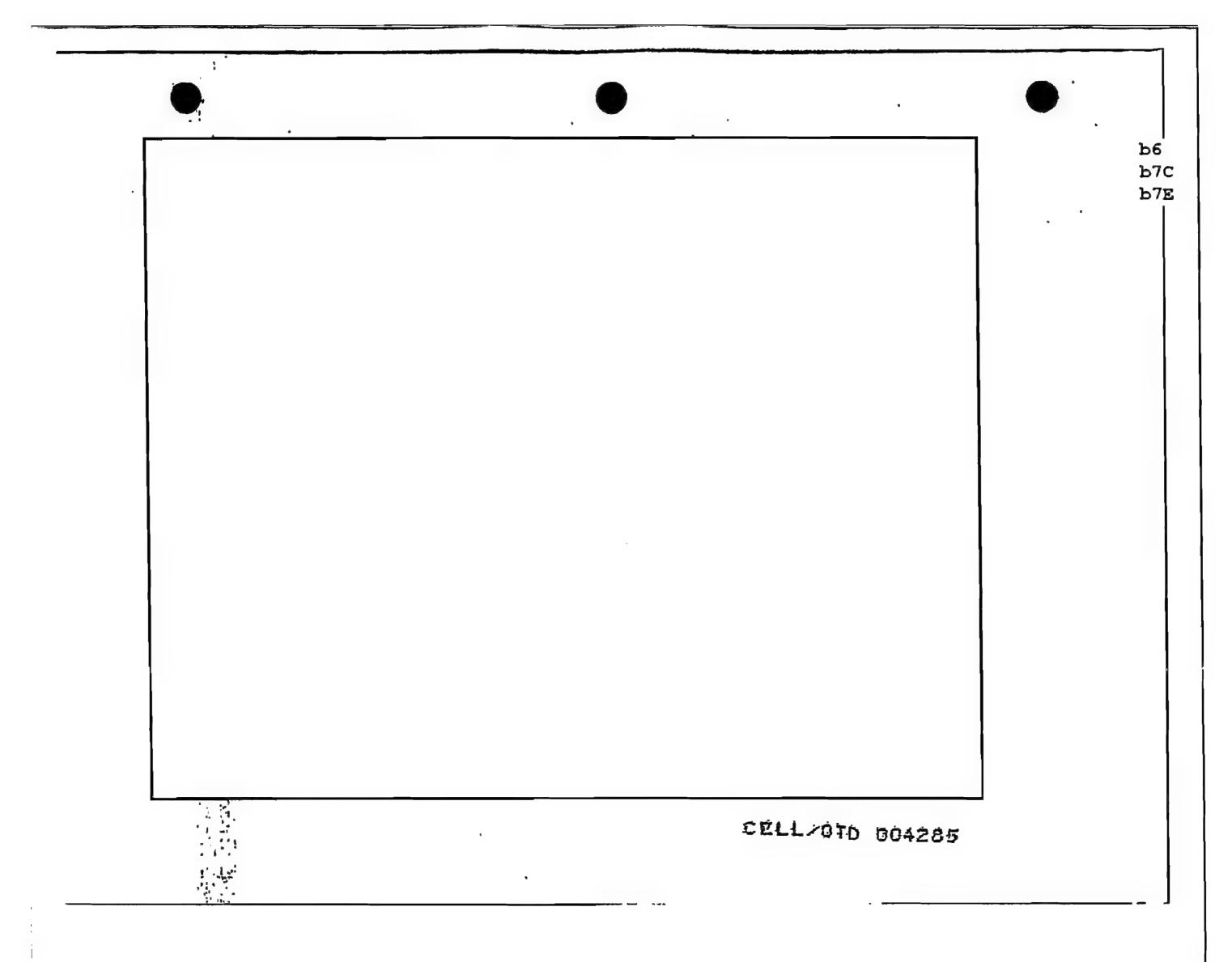


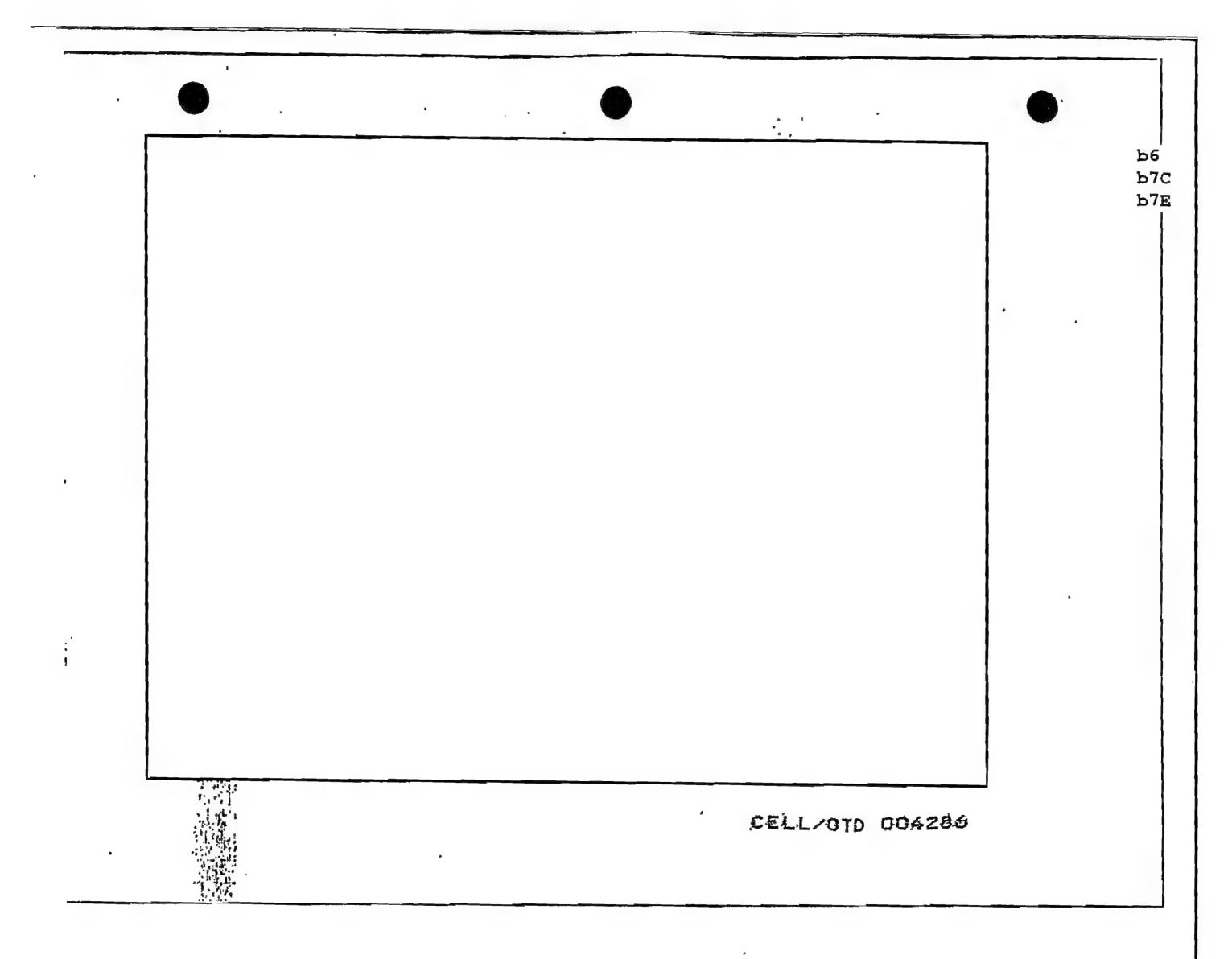


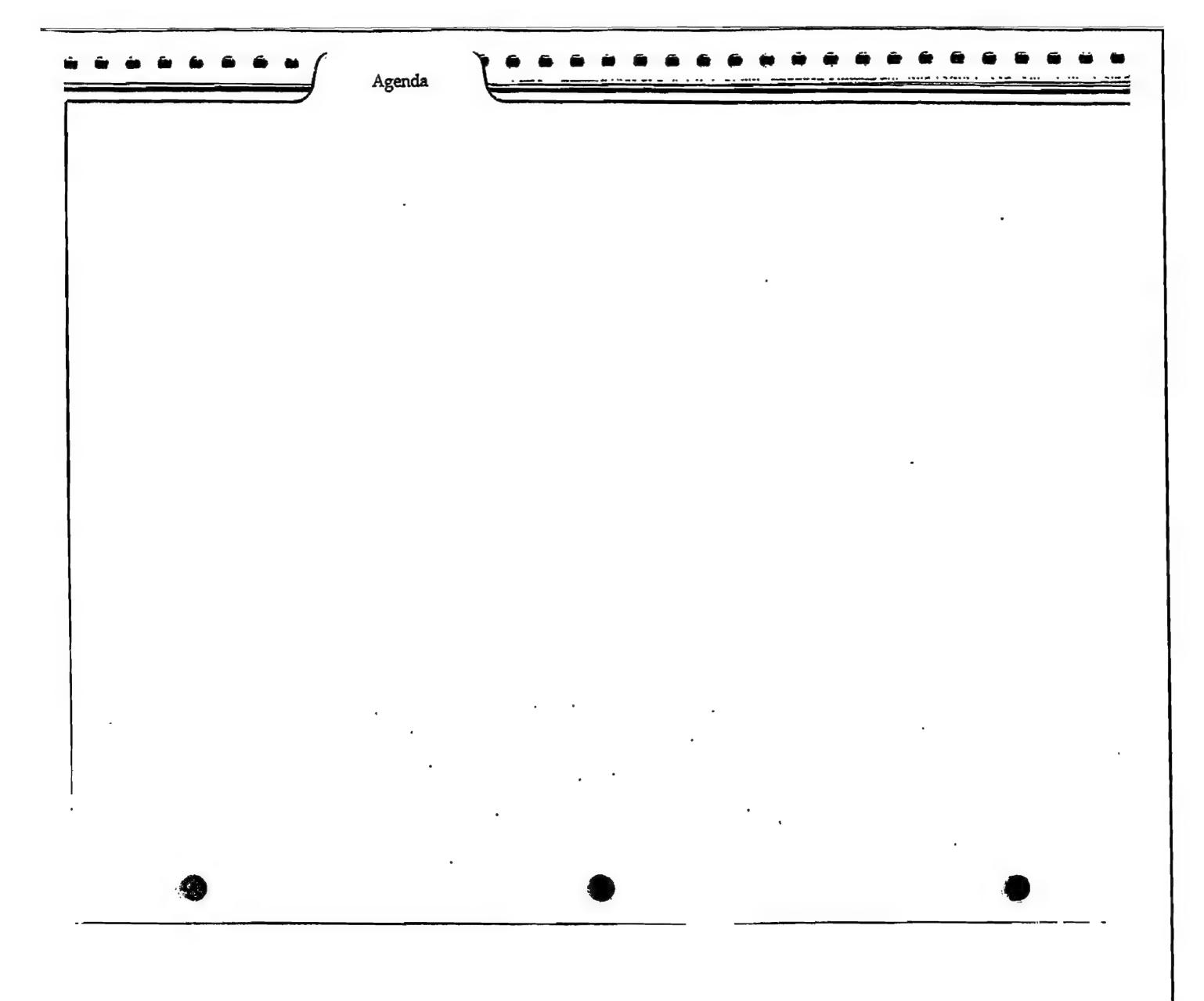


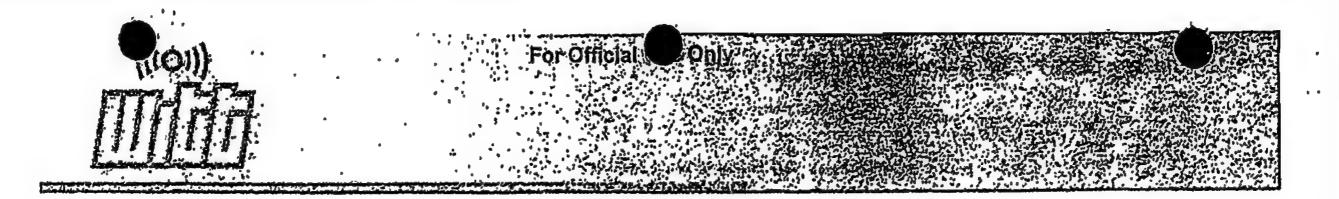












# Welcoming Remarks

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a Agenda - Day I

	Activity	Time	Activity Length	Presenter(s)
Welcoming Remarks		8:30 – 8:45 am	15 min	
Introduction to WITT		8:45 – 9:00 am	15 min	
Introduction to		9:00 – 9:10 am	10 min	
Introduction to		9:10 - 9:20 am	10 min	
Website Demo		9:20 – 9:35 am	15 min	
Introduction to CON Techniques	OPS and Surveillance	9:35 – 10:00 am	25 min	
Break.	,	10:00 - 10:15 am	15 min .	
Introduction to Legal	Issues	10:15 - 10:25 am	10 min	
Introduction to Wirel	ess Industry	10:25 – 10:45 am	20 min	
Introduction to Mobi	le Phone Systen	10:45 – 11:20 am	35 min	
Lunch,		11:20 – 12:50 pm	1 hr 30 min	
LoggerHead	Triggerfish Overview	12:50 – 1:15 pm	25 min	
LoggerHead		1:15 – 2:45 pm	1 hr 30 min	
Break		· 2:45 – 3:00 pm · ·	15 min .	
Lab Exerc		3:00 – 5:00 pm	2 hrs	
Wrap-up and Feedba	ck Forms	5:00 – 5:15 pm	15 min	

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Agenda — Day 2

Activity	Time	Activity Length.	Presenter(s)
Day 1 Review (Question and comments)	8:30 8:40 am	10 min	
	8:40 – 9:00 am	20 min	
	9:00 – 9:30 am	30 min	
	9:30 – 12:00 pm	2 hrs 30 min	WITT
Lunch	12:00 – 1:30 pm	l hr 30 min	
	1:30 – 6:00 pm	4 hrs 30 min	WITT
Wrap-up and Feedback Forms	6:00 – 6:15 pm	15 min	

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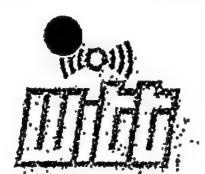
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Activity	Time	Activity Length.	Presenter(s)
Day 2 Review (Questions and comments)	8:30 – 8:35 am	5 min	
Introduction t	. · 8:35 – 9:10·am ·	35 min .	
StingRay Overview	9:10 - 10:10 am	1 hr	
Stingka	10:10 – 12:00 pm	1 hr 50 min	
Lunch	12:00 – 1:30 pm	1 hr 30 min	
StingRa	1:30 - 4:45 pm	3 hrs 15 min	WIIT
Wrap-up and Feedback Forms	4:45 – 5:00 pm	15 min	

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Agenda = Day 4

1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Activity	Time	Activity Length	P	resenter(s)	त (१)
Day 3 Review (Que	stions and comments)	8:30 - 8:40 am	10 min			
StingRay		8:40 – 11:30 am	2 hrs 50 min	]		
Lunch		11:30 - 1:00 pm	1 hr 30 min			
StingRay		1:00 – 4:45 pm	3 hrs 45 min	WITT		]ь71
Wrap-up and Feedb	ack Forms	4:45 – 5:00 pm	15 min			

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Agenda = Day 5

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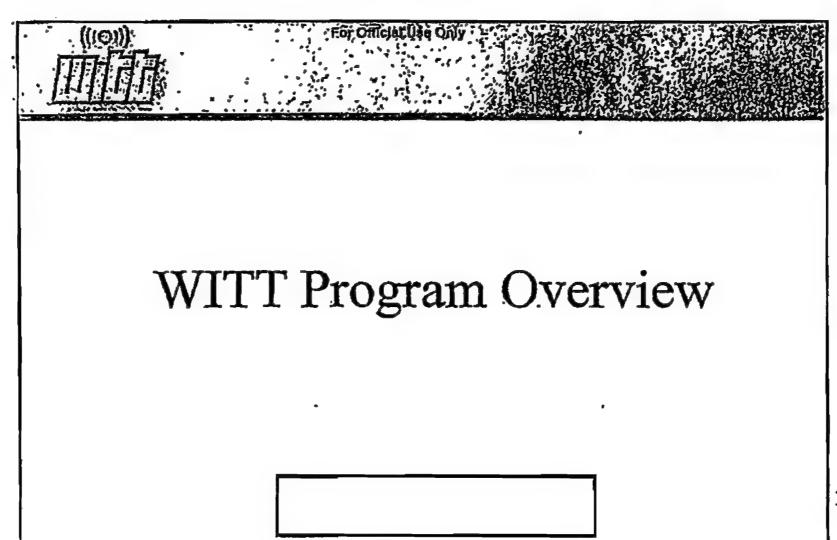
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Activity	Time/1	Activity Length	Présen
Day 4 Review (Questions and comments)	8:00 – 8:10 am	10 min	
StingRa	8:10 – 10:15 am	2 hrs 5 min	
Feedback Forms	10:15 – 10:30 am	15 min	]
Lunch	10:30 – 1:00 pm	2 hrs 30 min	]
Wrap-up, Closing Remarks, and Dismissal (Collect Badges, Ship Equipment)	1:00 – 4:00 pm	3 hrs	

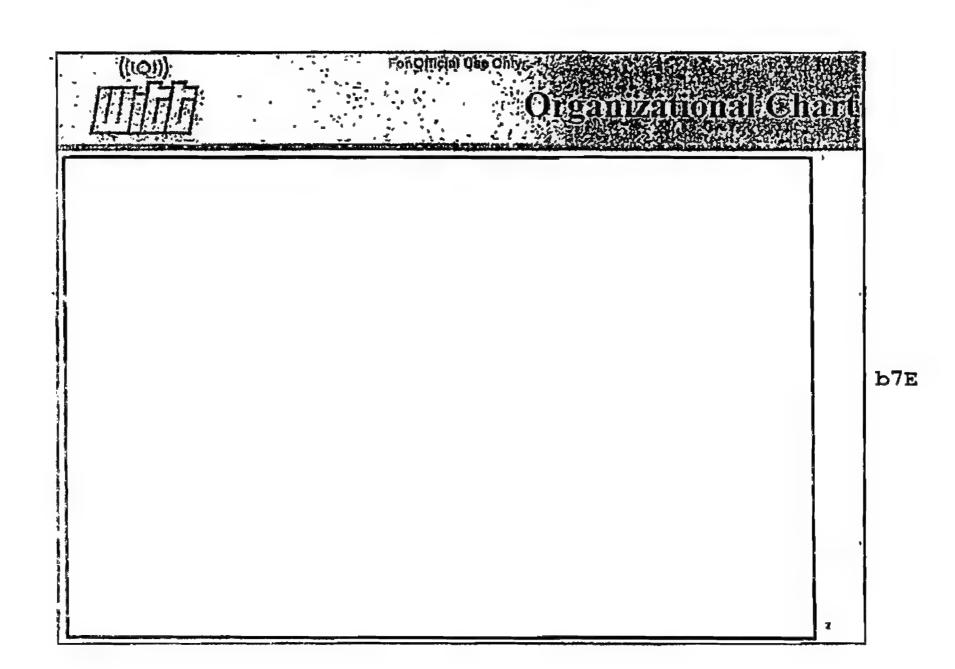
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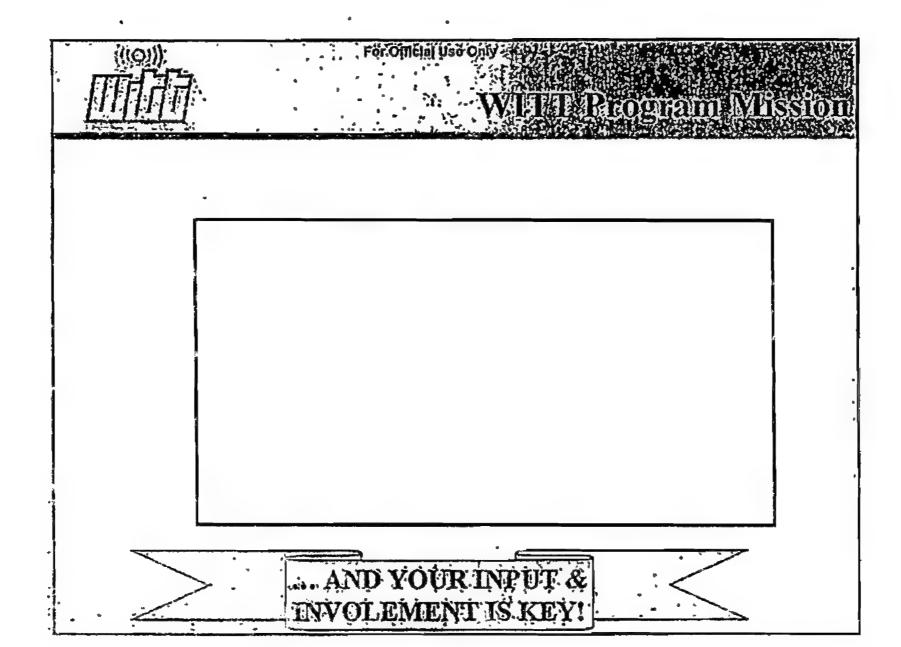
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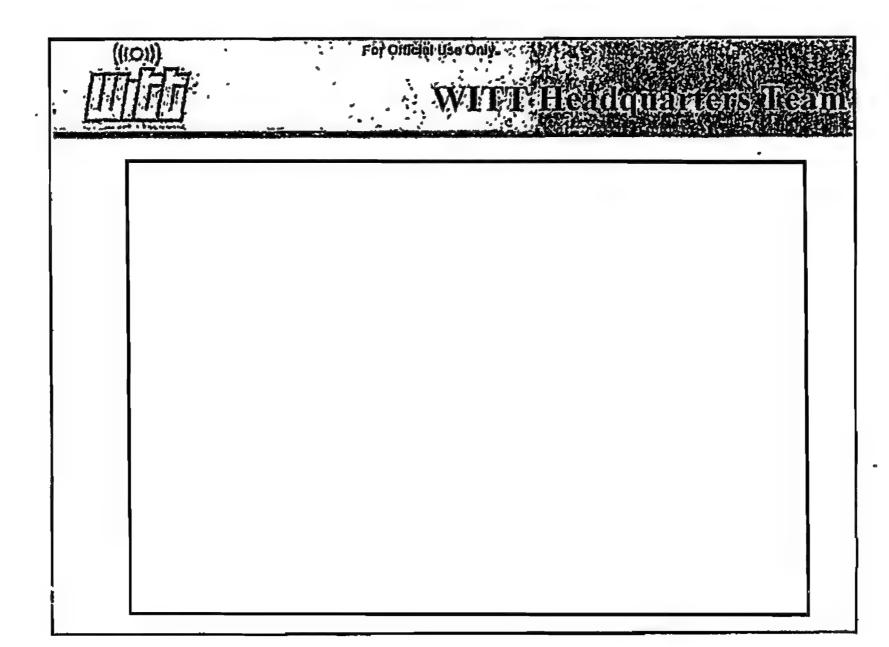


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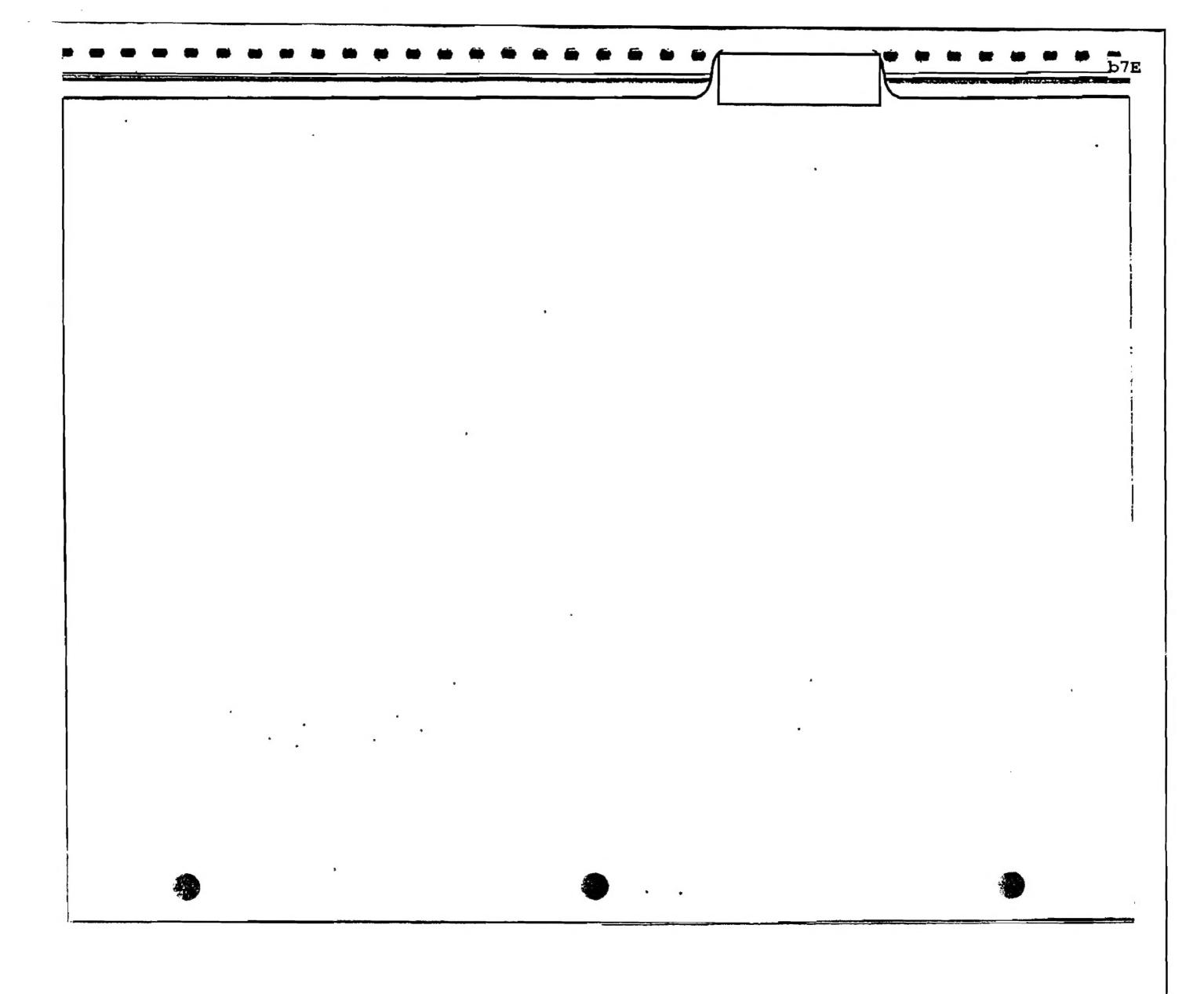
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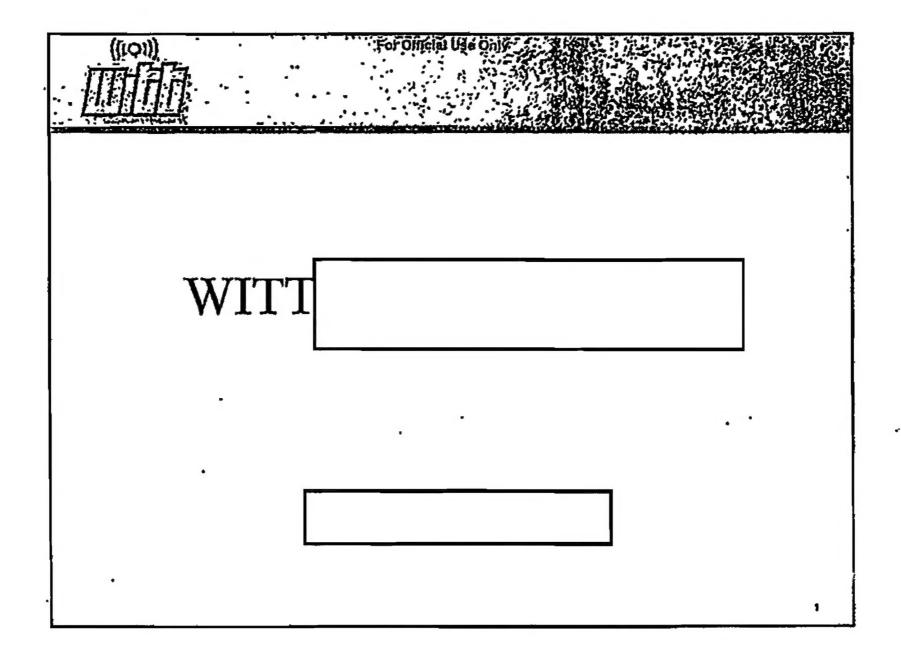
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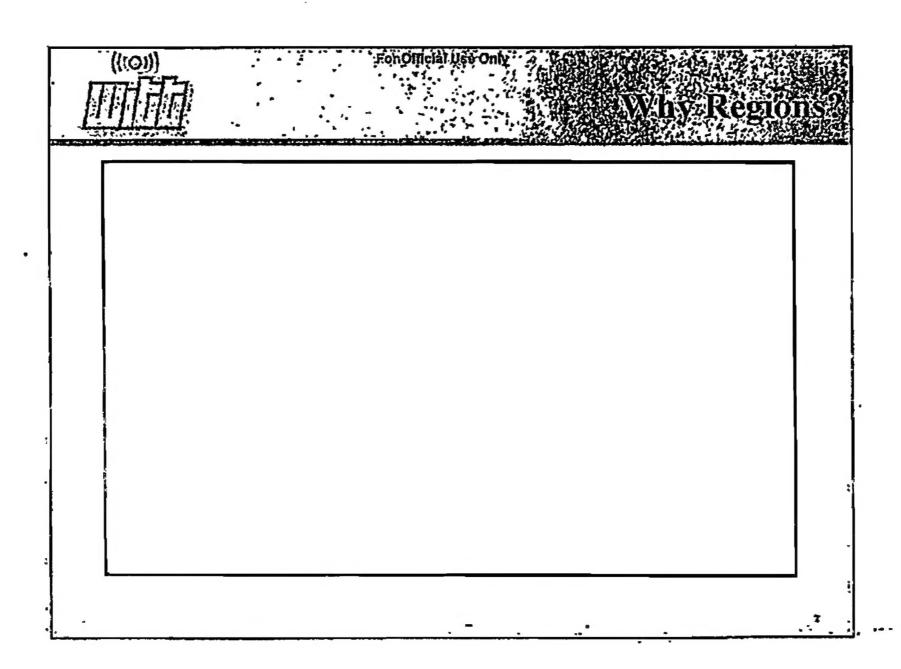


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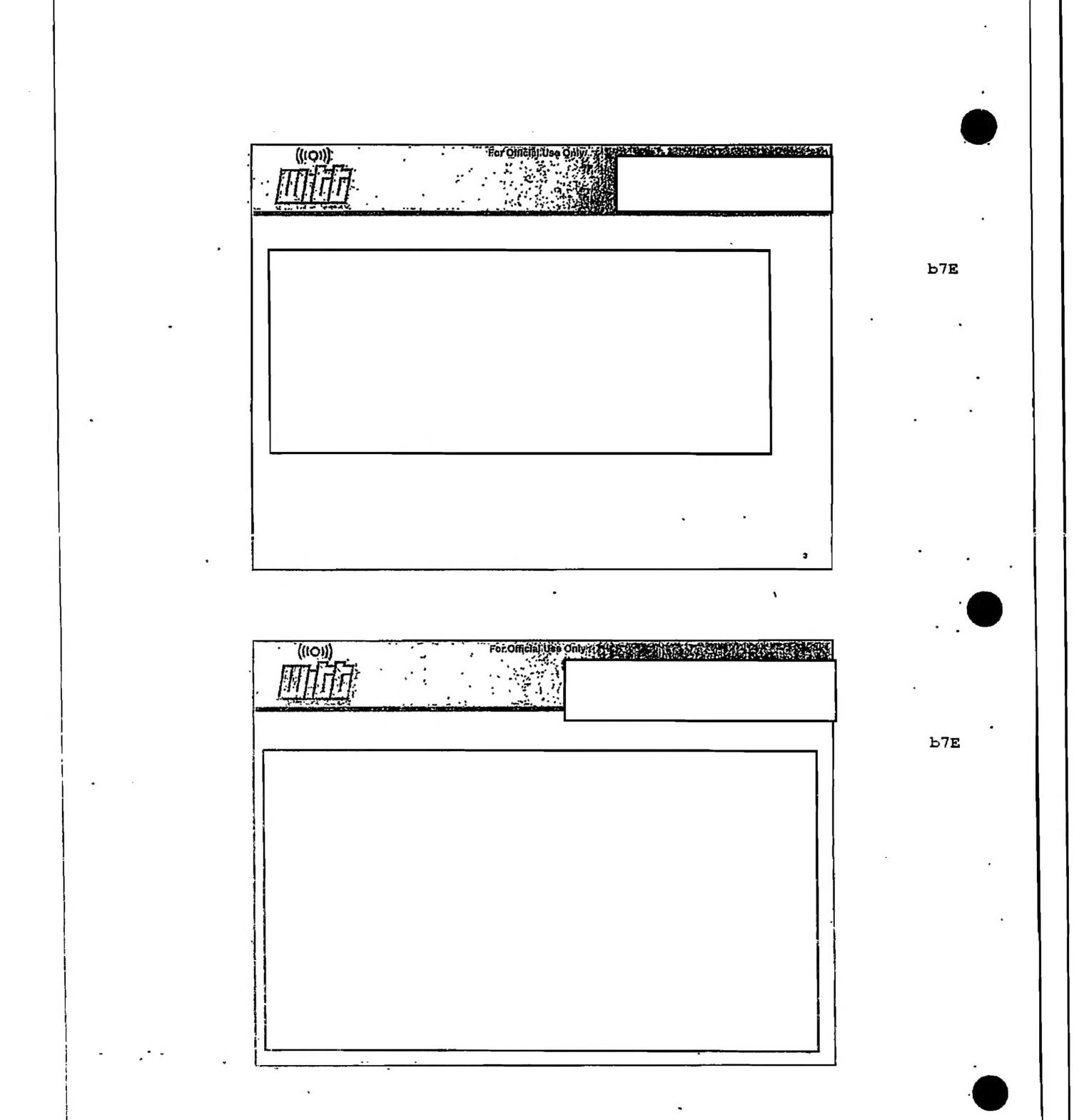




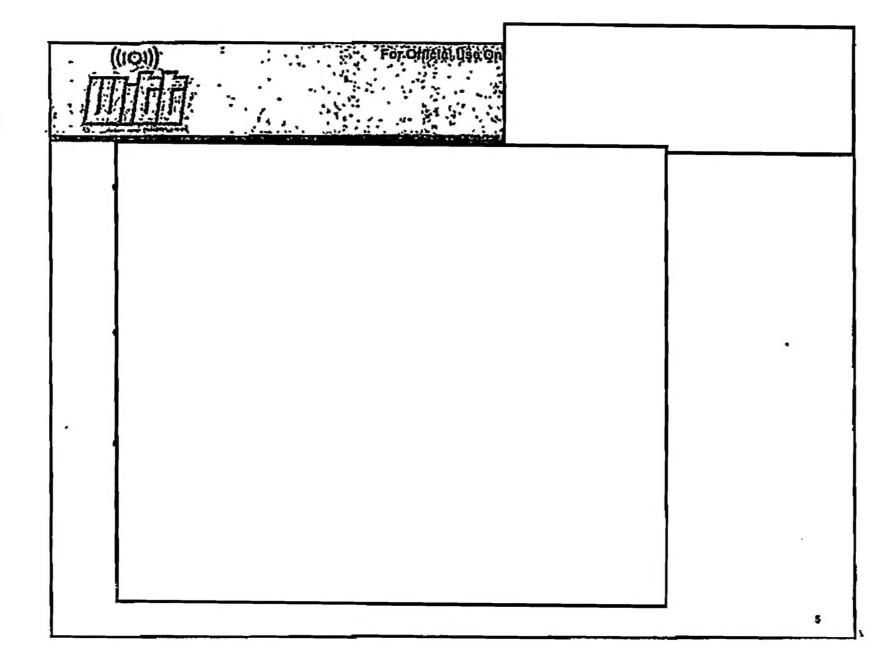
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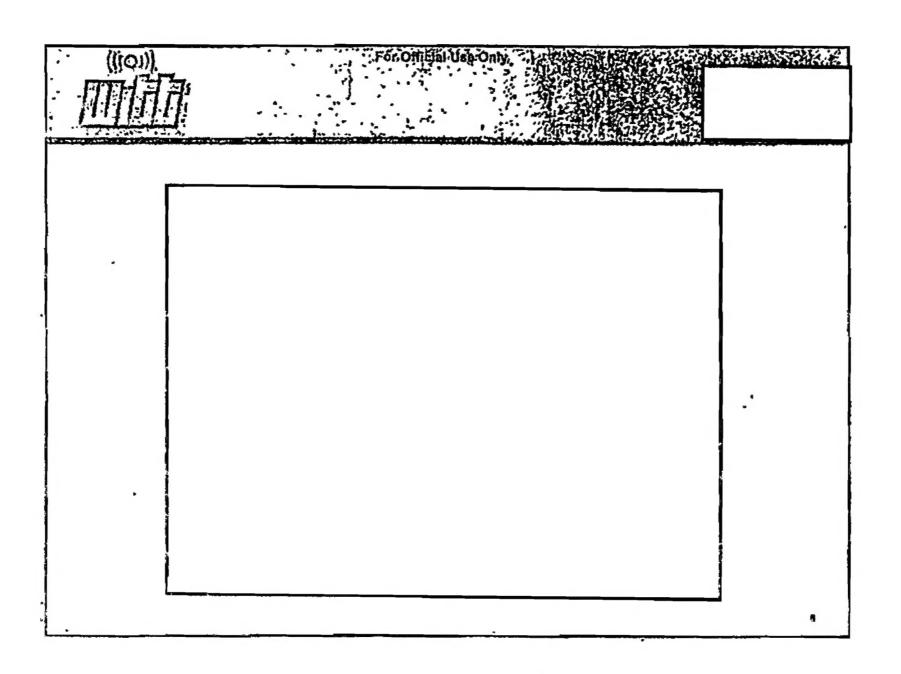
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